

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rule making related to licensing regulation, fees, veterans and military spouses and providing an opportunity for public comment

The Plumbing and Mechanical Systems Board hereby proposes to amend Chapter 28, “Plumbing and Mechanical Systems Board—Licensure Fees,” and Chapter 35, “Plumbing and Mechanical Systems Board—Alternative Licensure Pathways,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 105 and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

The proposed amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383. The proposed rule making revises the requirements for licensure by verification and updates the requirements and parameters of licensure for veterans and their spouses.

Fiscal Impact

This rule making will have limited fiscal impact. The provisions of the rule making would waive the initial application and renewal fees for veterans who were honorably or generally discharged within the previous five years; however, the overall number of applications that meet these criteria is low.

Jobs Impact

After analysis and review of this rule making, there may be a positive impact on jobs since it would streamline and remove some of the requirements related to licensure by verification. Additionally, it would clearly provide an alternative pathway to licensure of spouses of veterans when moving to Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to the Board’s general waiver provisions contained in 641—Chapter 31.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on December 6, 2022. Comments should be directed to:

Kane Young
Executive Officer
Plumbing and Mechanical Systems Board
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: kane.young@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 641—28.3(105) as follows:

641—28.3(105) Waiver of fees. Fee waivers are available under the following circumstances:

a. The board shall waive any fee charged to an applicant for a license if the applicant’s household income does not exceed 200 percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

b. For an applicant who has been honorably or generally discharged from federal active duty or national guard duty, the board shall waive an initial application fee and one renewal fee if those fees would otherwise be charged within five years of the discharge.

ITEM 2. Amend subrule 35.4(1) as follows:

35.4(1) Eligibility. A person may seek licensure by verification if all of the following criteria are satisfied:

a. The person is licensed, certified, or registered in at least one other issuing jurisdiction;

~~b.~~ ~~The person has been licensed, certified, or registered by another issuing jurisdiction for at least one year;~~

~~c.~~ b. The scope of practice in the transferring jurisdiction is substantially similar to the scope of practice in Iowa;

~~d.~~ c. The person’s license, certification, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration; and

~~e.~~ d. The person either:

(1) Establishes residency in the state of Iowa; or

(2) Is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station.